12 FAM 080
FREEDOM OF INFORMATION AND PRIVACY ACTS DIVISION (DS/MGT/FOIA-PA)

(CT:DS-155; 04-19-2010)
(Office of Origin: DS/MGT/FOIA-PA)

12 FAM 081 RESPONSIBILITIES

(CT:DS-155; 04-19-2010)

a. *The Freedom of Information and Privacy Acts Division,* (DS/*MGT*/FOIA-PA) administers the Bureau of Diplomatic Security's (DS) Information Access Program for the need-to-know foreign affairs and national security and law enforcement communities in executive agencies, the Congress, and for the public, as established by the Freedom of Information Act (FOIA), the Privacy Act, E.O. *13526*, and other applicable statutes and regulations. DS/*MGT*/FOIA-PA responds to special document production requests for security information to ensure the Bureau's compliance with discovery orders, subpoenas, and other similarly mandated demands. DS/*MGT*/FOIA-PA ensures that the Bureau's response is timely, accurate, and complete.

b. DS/*MGT*/FOIA-PA serves as the Bureau records liaison, as directed by the Department, *and is* responsible for coordinating security records management activities with the Bureau of Administration's Office of Information Programs and Services (A/GIS/IPS).

c. DS/*MGT*/FOIA-PA formulates policies, rules, and regulations for DS in implementing the public access provisions of the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and the Executive Order on *Classified* National Security Information (E.O. *13526*).

d. DS/*MGT*/FOIA-PA receives from the Requester Liaison Division (A/GIS/IPS/RL) for processing all direct requests from the public and referrals from other agencies for DS records requests made under the provisions of the Freedom of Information Act, Privacy, and E.O. *13526*. Some requests are received and responded to directly by DS/*MGT*/FOIA-PA.

e. DS/*MGT*/FOIA-PA informs requesters in writing of the Bureau's initial determination about whether DS records can be released and advises requesters of the right to appeal denial of access and/or request for

amendment of record.

f. DS/*MGT*/FOIA-PA conducts a de novo review of documents or information for which denials of access have been appealed and makes recommendations to the designated appeal authority on whether to release the documents/information or to continue to withhold the information/documents.

g. DS/*MGT*/FOIA-PA responds to lawsuits under FOIA and other laws (except under Touhy regulations) in coordination with the Office of the Legal Adviser (L) and A/GIS/IPS, as applicable, that involve submission to the court of affidavits, depositions, interrogatories, and other legal documents with regard to Bureau documents.

h. DS/*MGT*/FOIA-PA takes appropriate action to extend or modify the classification of the Bureau's records as necessary.

i. DS/*MGT*/FOIA-PA processes requests for the amendment of security information as provided under the Privacy Act and determines whether the security record should be amended by making a change to the documents/information by deleting or expunging the information/ documents from the file; or by incorporating a requester's letter of explanation or documentation provided by the requester into the security record. Also, DS/*MGT*/FOIA-PA conducts reviews of appeals of refusal to amend and justifies to the designated appeal authority the DS determination either to grant the amendment or justify the continued denial of the amendment request.

j. DS/*MGT*/FOIA-PA ensures that official security records are appropriately amended so as to be accurate, relevant, timely, and complete, and that prior recipients of the document(s)/information are notified of such amendment(s).

k. DS/*MGT*/FOIA-PA provides policy guidelines to Bureau components on controlling information that is subject to the Privacy Act, especially as it pertains to the collection, use, maintenance, and dissemination of personal information.

l. DS/*MGT*/FOIA-PA provides guidance to DS components making internal releases of information from DS records (e.g., grievance actions, EEO complaints, security clearance suspensions and revocations, and suitability cases).

m. DS/*MGT*/FOIA-PA processes and reviews special requests for access to security information, such as requests for document production coming from Congress, other agencies, or bureaus.

n. DS/*MGT*/FOIA-PA carries out duties as the Records Liaison for the Bureau and coordinates the Bureau's records activities with the Office of Information Programs and Services (A/GIS/IPS). The Bureau's Records

Coordinator is responsible for:

(1) Regularly reviewing the Bureau's records systems and records management practices for compliance with the policies and procedures set forth in 5 FAM 400, Records Management, and 5 FAH-4, Records Management Handbook;

(2) Managing the Bureau's central files in conformance with 5 FAM 400, Records Management, 5 FAH-4, Records Management Handbook, and 5 FAH-3, TAGS/Terms Handbook;

(3) Establishing guidance and procedures to assure management that the Bureau's office files are in conformance with 5 FAM 400, Records Management, and 5 FAH-4, Records Management Handbook;

(4) Advising Bureau components on the appropriate records disposition schedule for Bureau and office records and developing and submitting draft disposition schedules to A/GIS/IPS for submission to the National Archives and Records Administration *(NARA)*;

(5) Providing guidance to Bureau components on electronic records management practices and policies, including planning of DS information systems lifecycle development and coordinating that with A/GIS/IPS; *and*

(6) Annually reviewing the Federal Register Publication concerning Bureau records, STATE-36, Security Records, and updating the publication as necessary (see 72 Fed. Reg. 73057, December 26, 2007).

12 FAM 082 THROUGH 089 UNASSIGNED